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## **REMARKS**

### **I. Status of the Claims**

The Action states that Claims 5-8 are allowed. Claims 9, 10, 13, 16, 17, 20, 25, 26, 40 and 41 stand rejected under Section 102(e) as anticipated by U.S. Patent No. 6,297,454 to Gaeris (Gaeris). Claims 11 and 12 stand rejected under Section 103(a) as obvious over Gaeris in view of U.S. Patent No. 5, 969,295 to Boucino et al. (Boucino).

### **II. Telephonic Examiner's Interview**

On January 7, 2004, the undersigned and Examiner Nguyen conducted a telephonic interview. Applicant pointed out that the definition of "radially symmetric" employed in the Action is not consistent with the dictionary definition of this term. Applicant also proposed alternative language that would clarify the definition. The Examiner agreed that such language would define over Gaeris. Independent Claims 9, 13, 25 and 40 have been amended above to include this language.

### **III. The Rejections Based on Gaeris**

The Action states that Gaeris includes all of the elements of Claims 9, 10, 13, 16, 17, 20, 25, 26, 40 and 41. In addressing Applicant's prior arguments regarding the definition of the term "radially symmetric," the Action states that:

[a]s shown in Figures 1-3 of Gaeris, the spacer 21 is configured with wall portions which are radially symmetric (see Figure 2). Specifically, in Figure 2, there is the X-Y plane (the two cross lines), if one was folding the arm 26 over the X-line, arm 26 would be aligned or exactly on top of arm 27. Likewise, if one was folding arms 26 and 27 over the Y-line, arms 26 and 27 would be on top of the two arms on the left side of the Y-line. Accordingly, the wall portions of Gaeris are radially symmetric.

The Action at pages 5-6.

In response, Applicant does not disagree with the results of the imaginary folding exercise described in the Action, but does disagree with the conclusion that the Gaeris spacer is "radially symmetric" as a result. Turning to Webster's Third New International Dictionary

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(Merriam-Webster, Inc. 2002), the definition of "radial symmetry" is "the condition of having similar parts regularly arranged about a central axis (as in a starfish)." This definition is not consistent with that applied to Gaeris in the Action. Using the example provided by Webster's, one can imagine a drawing of a starfish having one arm extending vertically toward the top of the page and the other four arms arranged in regular intervals about the circumference of the starfish. Dividing and "folding" the starfish along horizontal and vertical axes as described in the Action would produce identical alignment for folding about the vertical axis, but not for folding along the horizontal axis. What the Action describes as "radial symmetry" for Gaeris is really "mirror image" symmetry about two different axes, which is not the same as "radial symmetry."

Nevertheless, in the interest of expediting prosecution, Applicant has amended Claims 9, 13, 25 and 40 above to recite that the compartments formed by the spacer are such that diametrically opposing pairs of twisted pair of conductors are substantially the same distance from each other. This relationship is clearly the case for the cable embodiments of the present invention (see, for example, Figure 3, in which the distance between conductors 122 and 130 is substantially the same as the distance between conductors 120 and 124). This relationship is clearly not present for the conductors shown in Gaeris, as conductors 42 that lie on the "X-line" of the Gaeris spacer are considerably farther apart than the conductors 41 that lie along the "Y-line" of the Gaeris spacer.

Gaeris also goes to some length to describe that its "oval envelope" is intentionally chosen to for performance reasons. See, e.g., Gaeris at column 1, line 21 to column 2, line 11. Accordingly, the ordinarily skilled artisan reading Gaeris would have been disinclined to employ cables as recited in the present claims.

In summary, Applicant submits that Gaeris fails to disclose a spacer having a cross-section that is radially symmetric. Applicant further submits that Gaeris fails to disclose a spacer in which diametrically opposing pairs of twisted pair of conductors are substantially the same distance from each other. As such, Applicant believes that the rejection under Section 102(b) is improper, and asks that it be withdrawn.

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**IV. The Rejections Based on Gaeris in View of Boucino**

Regarding the rejections under Section 103(a), Boucino is cited for a cable having a spacer with a helical configuration. This citation fails to overcome the deficiencies in Gareis noted above. As such, Applicant submits that the rejections under Section 103(a) must also be withdrawn.

**V. Conclusion**

Inasmuch as all of the outstanding issues raised in the Action have been addressed, Applicant respectfully submits that the application is in condition for allowance, and request that it be passed to allowance and issue.

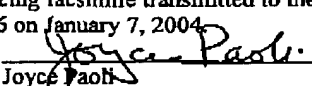
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